GOVERNMENT OFANDHRA PRADESH

ABSTRACT

Agricultural Marketing Department – Agricultural Market Committee, Guntur, Guntur District – Lease of 1.00 Acre Land on rental base to Sri Jaya lakshmi Cold Storage, Guntur for establishment of Cold Storage Plant- S.A.M.P.No.3158 of 2012 in S.A.No.1307 of 2012 pending in Hon'ble High Court on payment of rent – Renewal of existing lease agreement – Orders – Issued.

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AGRICULTURAL AND COOPERATION (AM.II) DEPARTMENT

G.O.Rt.No.24 Dt: 11-01-2024.

Read the following:

1. G.O.Ms.No.448, Agriculture & Cooperation (MKTG.II) Department, dated:05.07.1995
2. C&DoAP., A:P., Gunter, e-office file No.AGC05-11030/38/2023-STATUTORY SEC-MRKT(2243559).

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ORDER:-

In the reference 1st read above, Government have permitted the Agricultural Market Committee to lease out 1.00 Acre of Land in their premises subject to availability of land and demand for the Cold Storage Plant for a period of 30 years on terms and conditions, specified in the form of Agreement annexed to the order. In this process, preference shall be given to Government/ Semi-Government Cooperative Organizations while leasing the land and then to private entrepreneurs.

2. In the reference 2nd read above, the Commissioner & Director of Agricultural Marketing, A.P., Guntur has submitted that, the Agricultural Market Committee, Guntur has leased 1.00 (one) Acre site to M/s Jaya Lakshmi Cold Storage Pvt. Ltd., on rental basis to establish and maintain a cold storage plant of 4000 M.Ts capacity for a period of 30 years as per G.O. 1st read above, with the condition that the period of lease may be extended for further period as per mutual agreement by the "Lessor" and "Lessee" on some terms and conditions. In pursuance to the order stated above, the lease deed was registered on 15.12.1993 vide document no. 10699/1993 in Joint Sub-Registrar Office. The AMC, Guntur has fixed the rent of Rs.4,500/- per annum as fixed by the Executive Engineer (M) with a condition to enhance 10% every two years during the lease period. Further, the Agricultural Market Committee, Guntur has enhanced the rent to Rs.54,700/- per annum as fixed by the Executive Engineer (M), Guntur for the land of 1.00 acre vide letter dated 21-09-1996. The same was informed M/s Jaya Lakshmi Cold Storage Pvt. Ltd.

3. After that, the firm has filed case in the Hon'ble Court of the Additional Sub-ordinate Judge, Guntur vide Case No.OS 337/97 duly paying all rental dues as per the agreement in the Court. Sri Jaya Lakshmi Cold Storage Pvt Ltd., Guntur has filed another case in the Hon'ble II Additional Junior Civil Judge and suit was decreed in favour of 'lessee' on 30-09-2009. Subsequently, the lessor i.e., the Agricultural Market Committee, Guntur has filed in Hon'ble V Additional District Judge, Guntur on the decree issued by the Hon'ble II Addition Junior Civil Judge. The District Court passed an order in favour of the lessor. Subsequently, Sri Jaya Lakshmi Cold Storage Pvt. Ltd., Guntur has filed in Hon'ble High Court of A.P. in S.A.M.P. No.3158/2012 in S.A. No.1307/2012 for suspension of the operation of decree and judgment dated:19-06-2012 in AS No.352 of 2010. The Hon'ble High court has issued orders that, "There shall be interim suspension as prayed for, subject to condition of paying or depositing Rs. 15,000/-".

4. The Commissioner & Director of Agricultural Marketing has submitted that, Sri Jaya Lakshmi Cold Storage Pvt Ltd., Guntur has deposited the tentative rent amount of Rs.2,83,551/- for the period from 1997 to 2021 in SBI Treasury Branch, Brodipet, Guntur in pursuance of the Hon'ble High Court orders. Which can be withdrawn by the lessor with the Leave of the Court. M/s Sri Jaya Lakshmi Cold Storage Pvt Ltd., Guntur has requested to settle the issue amicably out of the Court. The firm has agreed to pay balance rental an amount of Rs. 29,06,757/- for the period from 1997 to 2021 in addition to their deposit amount of Rs. 2,83,551/- which is in State Bank of India Treasury Branch, Guntur duly requesting to waive of the interest for delayed payments due to litigation pendency in Courts. The Cold Storage Management has prepared compromise Agreement on the above matter and requested to further extend of lease Agreement as they have invested huge amount and has also taken up expansion and modernization of machinery and for smooth running of their business in the market yard.

5. The Commissioner & Director of Agricultural Marketing has submitted that, as per the Standing counsel legal opinion, the Agricultural Market Committee, Guntur has requested to accord permission to extend the agreement period for a further period of 30 years duly collecting the rental dues in a single payment without interest as the payment of rentals are delayed due to litigation pending in Courts subject to withdrawal of pending Court cases in Hon'ble High Court and Lower Court by the said Cold Storage.

6. The Commissioner & Director of Agricultural Marketing has requested to issue necessary orders on the request of M/s. Jaya Lakshmi Cold Storage Pvt. Limited to extend the agreement period for a further period of 30 years i.e., beyond 15.08.2023 duly collecting the rental dues in a single payment without interest as the payment of rentals are delayed due to litigation pending in Courts subject to withdrawal of all pending Court cases in the Hon'ble High Court and Lower Court.

7. Government after careful examination of the proposal of Commissioner & Director of Agriculture Marketing, A.P., Guntur hereby accord permission to the Agricultural Marketing Committee, Guntur, Guntur District to extend the lease for a further period of 30 years beyond 15.08.2023 (OR) the life of Cold Storage whichever is earlier, in favour of M/s. Jaya Lakshmi Cold Storage Pvt. Limited for the extent of Ac. 1.00 land in Market Yard, Guntur, subject to withdrawal of all court cases, payment of rental dues in a single payment without interest, as per the terms & conditions of Agricultural Market Committee /Agricultural Marketing Department as per the legal advise tendered by the Standing Counsel and also subject to the fulfillment of the conditions laid in the G.O.1st read above. With regard to lease rent, the lease rent will be collected as fixed by the Executive Engineer (Marketing) concerned, by the Agricultural Market Committee, Guntur.

8. The Commissioner & Director of Agricultural Marketing, AP., Guntur shall take further necessary action in the matter

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

CHIRANJIV CHOUDHARY
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner & Director of Agricultural Marketing, A.P., Guntur.
SF/SC.

//FORWARDED:: BY ORDER//

S. Sreelakshmi
SECTION OFFICER